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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,672	10/07/2003	Robert K. Weir	5055	7699

7590 11/02/2006
John E. Reilly
1554 Emerson Street
Denver, CO 80218

EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/681672

EXAMINER

ART UNIT	PAPER
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20061030

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The communication filed on August 8, 2006 is not deemed to be fully responsive to the Office Action dated December 27, 2005 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.


The Office Action dated December 27, 2005 contains a rejection of claims 10-22 under 35 U.S.C. § 112, first and second paragraphs, because these claims fail to positively recite an "upper inlet in the chamber," which upper inlet has been deemed essential to the recited apparatus (see page 2, last line; and page 3, lines 8-9 of the Office action). Applicant's communication filed on August 8, 2006 amends independent claim 10 to recite an upper inlet, but fails to amend independent claim 18 in a similar manner. In order to fully respond to the above noted rejections, Applicant must either: (a) amend claim 18 to recite an upper inlet in the chamber; or (b) explain why such a limitation is not required in this claim. The communication filed August 8, 2006 does neither; and therefore, this communication fails to comply with the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

Since the above noted communication appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
October 30, 2006